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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,537	01/21/2004	David W. Brown	P214419	3298
30662 7590 04/02/2008 SCHACHT LAW OFFICE, INC. SUITE 202 2801 MERIDIAN STREET BELLINGHAM, WA 98225-2412				
EXAMINER CABRERA, ZOILA E				
ART UNIT 2123		PAPER NUMBER		
MAIL DATE 04/02/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/761,537

**Applicant(s)**

BROWN ET AL.

**Examiner**

Zoila E. Cabrera

**Art Unit**

2123

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 193-208 and 210 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 193-208 and 210 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 2/27/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The IDS filed February 27, 2008 has been considered except some references such as the serial numbers provided on Page 2 of form PTO/SB/08A). Please provide the corresponding publication number or patent numbers. Furthermore, documents listed under Non Patent Literature Documents (Form PTO/SB/08B, Page 1), Cite No. 1-9 have not been considered since no date has been provided.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 193-210 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaw et al. (US 5,604,843).

Shaw discloses:

Claim 193 (currently amended) 193. A system for communicating with a motion controller, comprising:

a set of motion commands, where the set of motion commands comprises primitive motion commands and non-primitive motion commands, wherein functionality of the non-primitive motion commands can be emulated by a combination of primitive motion commands, and functionality of the primitive motion commands cannot be emulated by a combination of primitive motion commands (Col. 14, lines 40-55, i.e., fcurves and lines. Primitive motion commands corresponds to Go To functions and to print a line a Go To function to a start position and a corresponding end position is needed. Contours or curves correspond to the non-primitive motion commands. The Curve includes a start position and an end position, therefore, a combination of primitive motion commands emulate the functionality of a non-primitive command); a set of motion operations, where at least one motion operation is associated with at least one motion command (Col. 5, lines 12-13); a reprogrammable motion controller capable of executing at least one motion command (Fig. 2); a set of selectable software modules, where at least one software module is associated with at least one motion controller (Fig. 2, minidrivers), and at least two selectable software modules expose a common software interface (Fig. 2, UniDriver); and a software system that is capable of commanding at least one motion controller to perform at least one motion operation using the common software interface exposed by at least one selected software module associated with at least one motion controller (Fig. 2, col. 5, lines 12-13).

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Claim 194 (currently amended) 194. A system as recited in claim 193, in which a definition of the common software interface is programmatically acquirable (Col. 6, lines 26-67).

Claim 195 (previously presented) 195. A system as recited in claim 193, in which a definition of the common software interface is acquirable from at least one of the selectable software modules in the set of selectable software modules (Col. 4, lines 26-67).

Claim 196 (previously presented) 196. A system as recited in claim 193, further comprising an operating system on which the software module is run (Col. 1, lines 10-40).

Claim 197 (previously presented) 197. A system as recited in claim 196, in which a definition of the common software interface is acquirable from the operating system (Fig. 2).

Claim 198 (previously presented) 198. A system as recited in claim 193, in which a definition of the common software interface is acquirable from a persisted storage medium (Fig. 2).

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Claim 199 (previously presented) 199. A system as recited in claim 198, in which the persisted storage medium is a disk file (Col. 3, lines 59-63).

Claim 200 (previously presented) 200. A system as recited in claim 193, in which at least one motion operation causes data to be read from the motion controller (Col. 6, lines 26-67).

Claim 201 (previously presented) 201. A system as recited in claim 193, in which at least one motion operation causes data to be received from the motion controller (Col. 5, lines 10-15; Col. 6, lines 26-67).

Claim 202 (previously presented) 202. A system as recited in claim 193, in which at least one motion operation causes motion data to be written to the motion controller (Col. 7, lines 1-6).

Claim 203 (previously presented) 203. A system as recited in claim 193, in which at least one motion operation causes an object to move (Col. 5, lines 10-15).

Claim 204 (previously presented) 204. A system as recited in claim 193, in which at least one primitive motion operation causes a motion device to move (Col. 14, lines 40-55).

Claim 205 (previously presented) 205. A system as recited in claim 193, in which the software system further comprises a user interface for selecting at least one selectable software module (Fig. 2).

Claim 206 (previously presented) 206. A system as recited in claim 193, in which the software system further comprises software functionality that programmatically selects at least one selectable software module (Fig. 2).

Claim 207 (previously presented) 207 A system as recited in claim 193, further comprising a selection software module comprising a user interface that allows at least one selectable software module to be selected (Fig. 2).

Claim 208 (previously presented) 208. A system as recited in claim 193, further comprising a selection software module comprising software functionality that programmatically selects at least one selectable software module (Col. 6, lines 26-67).

Claim 210 (currently amended) 210. A system as recited in claim 193, in which the motion operations comprise primitive motion operations and non-primitive motion operations, wherein: functionality of the non-primitive motion operations can be emulated by a combination of primitive motion operations; functionality of the primitive motion operations cannot be emulated by a combination of primitive motion operations; each non-primitive motion operation is associated with at least one non-primitive motion

command; and each primitive motion operation is associated with at least one primitive motion command (Col. 14, lines 40-55, i.e., fcurves and lines. Primitive motion commands corresponds to Go To functions and to print a line a Go To function to a start position and a corresponding end position is needed. Contours or curves correspond to the non-primitive motion commands. The Curve includes a start position and an end position, therefore, a combination of primitive motion commands emulate the functionality of a non-primitive command).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ZEC/

Primary Examiner

4/2/2008

/Zoila E. Cabrera/

Primary Examiner, Art Unit 2123